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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,953	02/14/2004	Pedro Freitas	MACV.P0008	9187
23349	7590	11/26/2008	EXAMINER	
Stattler-Suh PC 60 SOUTH MARKET SUITE 480 SAN JOSE, CA 95113			VO, TED T	
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			2191	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/779,953	<b>Applicant(s)</b> FREITAS ET AL.	
	<b>Examiner</b> TED T. VO	<b>Art Unit</b> 2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,7,21-27 and 29-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,7,21-27 and 29-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/27/08</u> .   | 6) <input type="checkbox"/> Other: _____                          |

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### **DETAILED ACTION**

1. This action is in response to the amendment filed on 08/28/2008.

Canceled Claims: 2, 5-6, 8-20, 28. Claims 1, 3-4, 7, 21-27, 29-31 are pending in the application.

### ***Response to Arguments***

2. This is in response to the amendment and arguments filed in Remarks on 08/28/2008.

Regarding the argument to the amendment for the claimed rejection under 35 USC 112, second paragraph, the argument fail to be persuasive because the amendment introduces to subject matters that is not supported in the specification. The amendment shows that its claiming is inconsistent. For example, the specification discussed an implement method between a client device (it is not a remote control) and a host device. Now, the amendment has changed into the implementation on a remote control device, i.e. a portable set that includes key pads, etc., (claimed scope: “implementing a user interface on a remote control device”). The amendment necessitated new ground rejections. See Examiner’s rationales below.

Regarding to the argument to the claimed rejection under 35 USC 103(a) as being unpatentable over Haas in view of Dimitrova: The argument is not persuasive and are moot in view of new ground of rejection presenting in this action.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 3-4, 7, 21-27, 29-31 are rejected under 35 U.S.C. 112, first paragraph because the claims fail as being support from the specification.

In the specification, there are three elements identified:

- “remote control” #260 (or remote control device),
- “Client device”, identified as device like a TV set 250, and
- “host device”, defined by the spec as or a server hosting a user interface program; a media server, (spec: For example, the host device may comprise a media server and the client device may comprise a playback device (e.g., CD player). For this application, the host device transmits information about the music playing at the playback device.). Thus, **host device is an element such as PVR 210.**

The claims 1, 3-4, 7, 21-27, 29-31 fail to be enablement because of being inconsistent from such three devices listed and identified in the specification. As disclosed in the spec, “user interface is implemented on a client device remote from a host device”.

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Claims 1, 3-4, 7, 21-22: Claims recite a method for implementing a user interface on a remote control device. Thus, it could be understood as the method is implemented on the device #260 by,

*-coupling a host computer device, said remote control device, and at least one target device through a wireless network, said remote control device comprising a portable wireless device having a display, the remote control device for remotely controlling said at least one target device through a user interface displayed on said display;*

This can be seen as aiming a remote control a TV set turn on power of the TV (coupling a host computer device)

*- operating an application program on said host computer device, said application program comprising said user interface;*

This is abstract idea because the claim because how can this is link to the method that is recited as being implemented on the remote control #260. There is not teaching found in the specification for this teaching on the remote control.

*-transmitting, using said wireless network, from said host computer device to said remote control device, an identification of at least one scene, said scene defines an abstract layout for at least one screen display of said user interface;*

This is abstract idea because how can there is a wireless network in the remote control device.

The teaching for transmitting from said host computer device (such as PVR) to the remote control device #260 cannot be identified in the specification.

*- generating at least one screen display for said scene based on an interpretation of said scene at said remote control device;*

The teaching cannot be identified in the specification. Contradict to the abstract: user interface is implemented on a client device remote from a host device

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*-displaying, on said display of said remote control device, said screen display of said user interface;  
receiving input, at said remote control device, from a user to initiate at least one operation at said target device;  
communicating, using said wireless network, said at least one operation to said target device;  
and  
performing said operation at said target device in response to control from said remote control device, wherein said at least one target device and said remote control device are separate devices, whereby said at least one operation performed at said target device is remotely initiated at said remote control device.*

The teaching cannot be identified in the specification. Contradict to the abstract: user interface is implemented on a client device remote from a host device.

Claims 23-27, 29-31 fail to be enablement because of being inconsistent from such three devices listed and identified in the specification as the same reason set to the above.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 3-4, 7, 21-27, 29-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims recitation is inconsistent to the specification as reason in the rejection under 35 USC 112, first paragraph. The meaning of the claims is vague.

Accordingly, the claims fail to point out the claimed subject matters. It is indefinite.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3-4, 7, 21-27, 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dimitrova et al, “Personalizing Video Recorders using Multimedia Processing and Integration”, ACM 2001, in view of van Ee et al., US Pat. No.6,208,341 B1.

As per Claim 1: Dimitrova discloses,

***A method for implementing a user interface on a remote control device for remotely controlling a target device, said method comprising the steps of:***

***coupling a host computer device*** (Figure 3, i.e. User Interface controller, connected to a service provider (sec. 2.1, p. 565) to provide a TV program), ***said remote control device*** ( in Figure 3, the remote control), ***and at least one target device*** (Figure 3, i.e. TV display connected to a user interface controller) ***through a wireless network, said remote control device comprising a portable wireless device having a display*** (Figure 3, see all face elements in the

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remote), the remote control device for remotely controlling said at least one target device through a user interface displayed on said display; (Obviousness is discussed in US pat. 6,208,341 B1).

*operating an application program* (Figure 5, i.e. Program guide) *on said host computer device, said application program comprising said user interface* (Examiner note: This is a contradiction and never seen in the specification). See TV program as seen in Figure 5, p. 567, having UI interacting with the remote control of Figure 3.

*transmitting, using said wireless network, from said host computer device to said remote control device* (Examiner note: Not disclosed in the specification: [Spec: The host device may transmit information about media currently playing at the client device] identified as “Client device”, like a TV set 250), *an identification of at least one scene, said scene defines an abstract layout for at least one screen display of said user interface* (interpreted in light of the specification: see Figure 5);

*generating at least one screen display for said scene based on an interpretation of said scene at said remote control device* (Examiner note: Not disclosed in the specification: interpreted in light of the specification: see Figure 5);

*displaying, on said display of said remote control device, said screen display of said user interface* (Examiner note: Not disclosed in the specification: interpreted in light of the specification: see Figure 5);

*receiving input, at said remote control device, from a user to initiate at least one operation at said target device* (See Figure 5, interaction of remote on the screen);



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**communicating, using said wireless network, said at least one operation to said target device; and**

**performing said operation at said target device** (See UI displayed in a Screen, interacted to the remote control of Figure 3) **in response to control from said remote control device**, **wherein said at least one target device and said remote control device are separate devices** (See Figure 3, and Figure 5), **whereby said at least one operation performed at said target device is remotely initiated at said remote control device** (See Figure 5).

Dimitrova remote control device contains all UI available for interface to TV program displayed in a Screen remotely.

Dimitrova's remote does not show explicitly a screen display that implements User interface in the manner of: *remote control device comprising a portable wireless device having a display, the remote control device for remotely controlling said at least one target device through a user interface displayed on said display.*

van Ee discloses the above claimed feature (See the reference, Figure 1).

It is obvious to the ordinary in the art to combine the functions in the Remote control of Dimitrova for aiming to a host device coupled with at least a client device like a TV or a PC monitor, with the screen display in the remote control of van Ee. It is obvious because screen display is common used in many user interface devices such as cell phones, music portable, that provide visually selections, where with the use of display screen in a remote it does not differ from the combination of key pads/buttons, but yield the same and predictable result. Screen

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display at the time of the filing is easily made and it is common used because its visualized selections make it easily to control the host device then the combination of buttons.

As per Claim 3: Regarding, *The method as set forth in claim 1, wherein said displayed of said remote control device comprises a graphical display* (van Ee: FIG. 1: see motivation of claim 1).

As per Claim 4: Dimitrova further discloses, *The method as set forth in claim 1, wherein said user interface (Dimitrova, Figure 5) comprises an electronic programming guide to control a target device comprising a television, a guide for a target device comprising a personal video recorder, or an interface to control a target device comprising a media playback device* (Dimitrova, Figure 3).

As per Claim 7: Dimitrova further discloses, *The method as set forth in claim 1, wherein said target device comprises a computer system, a personal video recorder ("PVR") server, a media server, or a television* (Dimitrova: Figure 3: User Interface controller connected to at least a display device).

As per Claim 21: Dimitrova further discloses, *The method as set forth in claim 1, wherein said target device comprises a device for playing or viewing media* (Dimitrova: figure 3).

As per Claim 22: Dimitrova further discloses, *The method as set forth in claim 1, wherein said wireless network comprises a home network* (Dimitrova: Figure 3).

As per Claims 23-26: See the rationales addressed in the rejection of Claims 1, 3-4, 7, 21-22.

As per Claims 27, 29-31: See the rationales addressed in the rejection of Claims 1, 3-4, 7, 21-22.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number 571-273-8300.

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Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTV  
November 14, 2008

/Ted T. Vo/  
Primary Examiner, Art Unit 2191